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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 FATDOOR, INC., and RAJ ABHYANKER,
16 Plaintiffs,
17 v.
18 NEXTDOOR.COM, INC.,
19 Defendant.
20

Case No. 5:14-cv-02335-BLF

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PARTIAL
STAY AND WITHDRAWAL OF
FATDOOR, INC.'S MOTION TO STAY**

Dept.: Courtroom 3, 5th Floor
Judge: Hon. Beth Labson Freeman

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STIPULATION AND ~~PROPOSED~~ ORDER
RE PARTIAL STAY AND WITHDRAW OF
MOTION

1 The Parties hereby stipulate and agree as follows:

2 WHEREAS, on May 20, 2014, Fatdoor, Inc. (“Fatdoor”) and Raj V. Abhyanker
3 (“Abhyanker”) filed a complaint for patent infringement of U.S. Patent No. 8,732,091 against
4 Nextdoor.com, Inc. (“Nextdoor”);

5 WHEREAS, on June 18, 2014, Abhyanker filed a notice of voluntary dismissal without
6 prejudice, wherein he dismissed without prejudice his claims against Nextdoor;

7 WHEREAS, on June 24, 2014, Nextdoor filed its answer and counterclaims, including
8 allegations of lack of ownership and standing on the part of Fatdoor and Abhyanker, and
9 including counterclaims seeking declaratory relief as to U.S. Patent No. 8,738,545;

10 WHEREAS, on July 14, 2014, Nextdoor filed its first amended answer and counterclaims;

11 WHEREAS, on July 15, 2014, Fatdoor filed its first amended complaint, including
12 allegations of infringement of U.S. Patent Nos. 8,732,091, 8,738,545 and 8,775,328 (collectively,
13 “patents-in-suit”);

14 WHEREAS, on August 1, 2014, Nextdoor filed its answer and counterclaims to the first
15 amended complaint, including allegations of lack of ownership and standing;

16 WHEREAS, on August 25, 2014, Fatdoor filed a complaint against Google Inc. and IP
17 Analytics, LLC seeking, among other things, a declaration that Fatdoor owns all interest and title
18 in the patents-in-suit to the exclusion of Google and IP Analytics (the “DJ Suit”);

19 WHEREAS, on September 5, 2014, Fatdoor filed its Motion to Stay or in the Alternative
20 Dismiss Without Prejudice (Dkt. No. 52, the “Motion”);

21 WHEREAS, on September 15, 2014, Nextdoor recorded an assignment with the United
22 States Patent and Trademark Office executed by IP Analytics and GeoTag, Inc. assigning any and
23 all rights and interests they had, if any, in the patents-in-suit to Nextdoor;

24 WHEREAS, in light of the assignment by GeoTag and IP Analytics of their interests in
25 the patents-in-suit to Nextdoor, Nextdoor believes, and Fatdoor disputes, that Fatdoor’s claims of
26 patent infringement necessarily fail either because Fatdoor lacks standing and/or Nextdoor
27 maintains an ownership interest in the patents-in-suit and therefore cannot infringe them;

1 WHEREAS, Nextdoor therefore believes, and Fatdoor disputes, that resolution of the
2 dispute between the parties concerning standing and ownership of the patents-in-suit will
3 necessarily resolve Fatdoor's claims of patent infringement;

4 WHEREAS, the parties agree that resolution of the dispute between the parties concerning
5 standing and ownership of the patents-in-suit will narrow the issues between the parties;

6 WHEREAS, the parties agree that the DJ Suit should now be consolidated with this
7 action;

8 WHEREAS, the parties agree that a partial stay of the present action to the extent that it
9 relates to issues of infringement, validity and enforceability of the patents-in-suit is appropriate
10 because it will preserve the resources of the parties and the Court;

11 WHEREAS, in light of the parties' agreement, Fatdoor desires to withdraw the pending
12 Motion;

13 IT IS THEREFORE STIPULATED, (i) all discovery and deadlines relating to claim
14 construction, infringement, validity, and enforceability of the patents-in-suit shall be stayed
15 pending resolution of the dispute between the parties concerning standing and ownership of the
16 patents-in-suit, or until such other time the Court determines to lift the stay; and (ii) Fatdoor's
17 pending Motion is hereby withdrawn.

18 Dated September 26, 2014

Fenwick & West LLP

20 By: /s/ Bryan A. Kohm
Bryan A. Kohm

22 Attorneys for Defendant
Nextdoor.com, Inc.

23 Dated September 26, 2014

Mount, Spelman & Fingerman, P.C.

26 By: /s/ Daniel Fingerman
Daniel Fingerman

27 Attorneys for Plaintiffs
Fatdoor, Inc. and Raj Abhyanker

ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from the signatory indicated by a “conformed” signature (/s/) within this e-filed document.

Dated September 26, 2014

By: /s/ Bryan A. Kohm
Bryan A. Kohm

Attorneys for Defendant
Nextdoor.com, Inc.

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

~~PROPOSED~~ ORDER

In accordance with the foregoing stipulation, the Court hereby ORDERS:

(i) All discovery and deadlines relating to claim construction, infringement, validity, and enforceability of the patents-in-suit shall be stayed pending resolution of the dispute between the parties concerning standing and ownership of the patents-in-suit, or until such other time the Court determines to lift the stay;

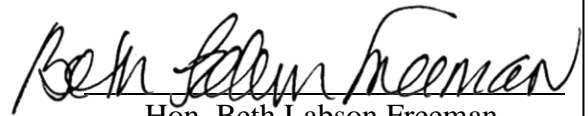
(ii) Fatdoor's Motion to Stay or in the Alternative Dismiss Without Prejudice (Dkt. No. 52) is hereby withdrawn.

IT IS FURTHER ORDERED THAT: The parties shall appear for a further Case Management Conference on February 12, 2015 at 1:30 p.m. in Courtroom 3, 5th Floor, San Jose to assess the status of the stay. The parties shall file a joint case management statement at least seven (7) days in advance and may request that the CMC be continued if there are no new developments to address with the Court.

The Motion to Dismiss Counterclaims filed by counterclaim defendant Raj Abhyanker remains scheduled for December 11, 2014 at 9:00 a.m.

IT IS SO ORDERED.

Dated: September 30, 2014


Hon. Beth Labson Freeman
United States District Judge